



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions

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November 12, 2004

Michael D. Pollock, D.C.
Bon Air Chiropractic Clinic
2520-A Professional Road
Richmond, Virginia 23235

CERTIFIED MAIL

7160 3901 9844 7520 7649

RE: License No.: 0104-000305

Dear Dr. Pollock:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, December 15, 2004, at 12:45 p.m.**, at the offices of the Department of Health Profession, 6603 W. Broad Street, 5th Floor, Richmond, Virginia. The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will review your compliance with the terms and conditions imposed upon your license to practice chiropractic in Virginia, as set forth in an Order of the Board entered September 10, 2003 ("Board's Order"), and will inquire into allegations that you may have violated certain laws governing the practice of chiropractic in Virginia. Specifically:

1. You may have violated Section 54.1-2915(1) and (3) [formerly 54.1-2915.A(1) and (3)], as further defined by Section 54.1-2914.A(11) of the Code and Term 6 of the Board's Order, in that on more than one occasion, you directed your Board approved chaperone to falsely indicate that they had witnessed patient examinations on dates and at times that their time sheets indicate they were absent from the practice. Specifically:

a. Patient A's records indicate that she was treated at your office on January 12, 2004. While her records were countersigned by a chaperone, time sheets indicate that the chaperone's employment at your practice ended on January 9, 2004.

b. Patient A's records indicate that she was treated at your office on January 14, 2004. Patient A's treatment records for this date were countersigned by two chaperones; however, time sheets for that week indicate that neither of those individuals worked at your practice during that week.

c. Patient A's records indicate that she was treated at your office on March 22, 2004. Patient A's record for that date was countersigned by a chaperone; however, employee time sheets indicate that particular chaperone did not work at your practice on that date.

d. Patient B's records indicate that she was treated at your office on January 5, 2004. Patient B's treatment records for that date were countersigned by a chaperone; however, employee time sheets and a Chaperone Report submitted to the Compliance Unit by said chaperone on or about June 6, 2004, indicate that she did not commence employment at your practice until on or about June 12, 2004.

2. You may have violated Term 1 of the Board's Order, in that on several occasions you conducted examinations and treated female patients without having a chaperone present or having said chaperone attest to their presence by signing the patients' records. A review of randomly selected patient records, conducted by the Department of Health Professions' investigators, yielded findings of at least ten (10) instances in which a female patient's record did not indicate that a chaperone was present during their examination.

3. You may have violated Term 3 of the Board's Order, in that a review of randomly selected patient records, conducted by the Department of Health Professions' investigators yielded findings of two (2) instances in which a patient file contained no protocol and two (2) instances in which the protocol was not signed prior to your examination or treatment of the patient as is required by Term 3.

Please see Attachment I for the names of the patients referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Continue you on probation with such terms it deems appropriate;
3. Reprimand you;
4. Modify the prior order; and
5. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the members of the Committee, and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by December 1, 2004. Your documents may not be submitted by facsimile or e-mail. Should you or Senior Adjudication Analyst Sheon J. Rose wish to submit any documents for the Committee's consideration after December 1, 2004, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on December 15, 2004. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on November 22, 2004. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after November 22, 2004, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Sheon J. Rose, Senior Adjudication Analyst, at (804) 662-7445.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Harp, M.D.", with a stylized flourish at the end.

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

sjr/Pollock57NIF.DOC

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Thomas B. Leecost, D.P.M., President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Sheon J. Rose, Senior Adjudication Analyst
Debra Hay-Pierce, Compliance Case Manager [93257]
Ann Tiller, Compliance Manager